

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:12cv271

TBR INTERNATIONAL, INC., and)
ERNANE B. DOS SANTOS,)
)
Plaintiffs,)
)
vs.)
)
LONESTAR TRADING COMPANY,)
LLC and PEDRO BARRETO,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 3].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell was designated to consider this motion and to submit recommendations for its disposition.

On September 21, 2012, the Magistrate Judge filed a Memorandum and Recommendation in which he recommended denying the Motion to Dismiss as moot in view of the amendment to the Complaint which the Magistrate

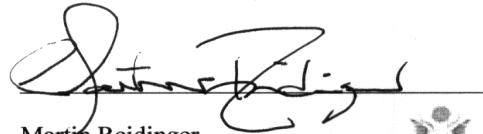
Judge allowed in the same Order.¹ [Doc. 8]. The parties were advised that any objections to the Magistrate Judge's conclusions and recommendations were to be filed in writing within fourteen days of service of the Memorandum and Recommendation and that failure to file objections thereto would preclude the parties from raising any objection on appeal. [Id., at 4]. The period within which to file objections expired on October 9, 2012 and no objections to the Memorandum and Recommendation have been filed.

Having conducted a careful review, the Court concludes that the Magistrate Judge's recommendation is supported by the facts of record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation and denies the Defendants' Motion to Dismiss.

¹In the same Order, the Magistrate Judge granted the Plaintiffs' Motion to File Amended Complaint (Doc. 6). That non-dispositive motion is not before this Court for review. The Court does note that the Amended Complaint was filed after the deadline set by the Magistrate Judge but no objection has been raised.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Dismiss
[Doc. 3] is hereby **DENIED** as moot.

Signed: October 19, 2012

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

